SINGLE BENCH

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(2)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION ( ) NO. 6317 OF 2006

PETITIONER :

Smt. Badrika Bai, W/o Krishnaram Kaushik, Aged about 55 years, Sarpanch, Gram Panchayat Kathod, District Janjgir-Champa (CG).

Versus

RESPONDENTS :

1. State of Chhattisgarh, Through Secretary, Department of Panchayat & Social Welfare, D.K.S. Building, Mantralaya, Raipur (CG).

P.R. No. 6349/06
Presented by R. Tripathi
dated 14-11-06

2. Collector, Janjgir-Champa (CG).

3. Sub Divisional Officer (Revenue), Jangir, District Janjgir-Champa (CG).

4. Shankar Lal, Panchayat Karmi, Gram Panchayat Kathod, District Janjgir-Champa (CG).

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक WP.6317/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.11.2006:

Shri B.D. Guru counsel for the petitioner.
Smt. Anju Ahuja Dy. GA appears for the respondents.

Heard.

By the instant petition the petitioner who is the Sarpanch of Gram Panchayat Kathod District Janjgir has impugned various orders passed by SDO (Revenue) in case No. 01/2006-07 whereby entertaining the appeal of respondent No.4 against the order of removal by Gram Panchayat/Gram Sabha has passed the stay order of Annexure P-1.

Learned counsel for the petitioner submits that the above order is in direct contravention of the circular dated 26.11.2002 of Annexure P-5 whereby all the Collectors of the State of Chhattisgarh have been advised that any appeal or revision against the resolution of Gram Panchayat or Gram Sabha with respect to removal of Panchat Karmi from the post ,shall not be in accordance with the rules as there is no provision for the same and despite the said circular the SDO (Revenue) has taken cognizance of the appeal preferred by the respondent No.4.

Learned counsel for the petitioner does not dispute that as per Rule 3(d) of The Madhya Pradesh Panchayats (Appeal and Revision) Rules 1995, the order passed by the Panchayat is appellable before the SDO.

Taking into consideration the fact that the appeal is pending before the SDO, the instant petition is disposed of with liberty to the petitioner to raise the dispute which has been raised in this petition, before the SDO itself who shall decide the same in accordance with law.

Sd/-
Dhirendra Mishra
Judge

21.11.06